

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of remarks and amendments herewith.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-17 are pending. Claim 1-3, 8-11 and 15-17 are independent, and hereby amended. No new matter has been added. Support for this amendment is provided throughout the Specification as originally filed and specifically on pages 19 (paragraphs [0069]-[0070] of the published application). It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-12 and 14-17 were rejected under 35 U.S.C. §103(a)<sup>1</sup> as allegedly anticipated by U.S. Patent No. 7,188,355 to Prokopenko et al. (hereinafter, merely “Prokopenko”) in view of U.S. Patent No. 5,848,396 to Gerace (hereinafter, merely “Gerace”), further in view of U.S. Patent No. 7,260,823 to Schlack et al. (hereinafter, merely “Schlack”).

Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Prokopenko in view of Schlack, further in view of Gerace, and further in view of U.S. Patent No. 6,381,369 to Kondo et al. (hereinafter, merely “Kondo”).

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<sup>1</sup> Applicants note that the Office Action stated that the present application was rejected under 102(e). However, based on other portion of the Office Action, Applicants assume the Office Action intended to reject the pending claims under 103(a).

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...providing means for providing the users with a product or a circuit board having a function of the optimal procedures selected by said selecting means to update an existing product or circuit board having a corresponding function...” (Emphasis added)

As understood by Applicants, Gerace relates to an image coding apparatus and an image coding method, an image encoding apparatus, an image decoding method, a record medium and an image transmitting method capable of producing a prediction image with a higher image quality in a high efficiency by executing less data process operation.

Applicants submit that none of the cited references, taken alone or in combination, teach or disclose the above discussed feature of claim 1. Specifically, neither Prokopenko nor Gerace nor Schlack teaches or suggests providing means for providing the users with a product or a circuit board having a function of the optimal procedures selected by said selecting means to update an existing product or circuit board having a corresponding function, as recited in claim 1.

Specifically, the Office Action relies on Prokopenko to describe providing the users with the optimal procedures, and refers to Prokopenko, col. 10, lines 1-3. However, Applicants submit that in Prokopenko, a list of recommended programs, contained in a SetRecommendations message, is sent to the DTV agent (See, Prokopenko, col. 10, lines 1-3). Thus, **in Prokopenko there is no product or circuit board provided to the user.** In the present invention, as shown in Fig. 2, in step S4, the center processing apparatus produces a product or circuit board to which a new function, that is, a function reflecting the result of the analysis of the user, is added, and provides the product or circuit board to the user, and then in

step S24, when the circuit board is acquired by the user terminal, it is changed for a corresponding circuit board of an existing product, or is newly added (See, Specification, page 19, paragraphs [0069]-[0070] and Fig. 2). Thus, **the present invention, as claimed in claim 1, enables inexpensive provision of products matching the preferences of individual users** (See, Specification, page 2, paragraph [0006]). Nothing has been found in Prokopenko that would teach or suggest providing means for providing the users with a product or a circuit board having a function of the optimal procedures selected by said selecting means to update an existing product or circuit board having a corresponding function, as recited in claim 1.

Furthermore, this deficiency of Prokopenko is not cured by the supplemental teaching of Gerace or Schlack.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, the independent claims 2, 3, 8-11 and 15-17 are also patentable.

#### IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken

as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

### CONCLUSION


In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request reconsideration and early passage to issue of the present application.

Respectfully submitted,

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